

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

MARVIN M. WILLIAMSON, JR.

VERSUS

**THE MORGAN CITY POLICE DEPARTMENT
AND THE CITY OF MORGAN CITY**

* CIVIL ACTION
*
* NO. 6:08-CV-0441
*
* JUDGE DOHERTY
*
* MAGISTRATE METHVIN
*

ANSWER TO PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes and appears, defendants, The City of Morgan City, and police officers, Darlene Francis and Jimmy Richard, in their official capacities and in response to the petition of Marvin M. Williamson, Jr., aver on information and belief as follows:

1.

The plaintiff's Petition for Damages fails to state a cause of action against these defendants.

2.

The entity sued as the "Morgan City Police Department" is not a juridical entity capable of being sued, and as a result, no answer on behalf of this defendant is required.

3.

The allegations of Paragraph I of the Petition for Damages state a conclusion of law requiring no answer of these defendants.

4.

The allegations of Paragraph II of the Petition for Damages are denied in so far as the allegations referred to the entity "Morgan City Police Department." It is admitted that police officer Darlene Francis and Jimmy Richard have been sued only in their official capacities, but the defendants deny the plaintiff's civil rights were violated

5.

The allegations of Paragraph III of the Petition for Damages are denied for lack of sufficient information.

6.

The allegations of Paragraph IV of the Petition for Damages are denied.

7.

The allegations of Paragraph V of the Petition for Damages are denied as written.

8.

In response of the allegations of Paragraph VI of the Petition for Damages, it is denied that the plaintiff was severely beaten and further deny deliberate indifference to the plaintiff's need for medical treatment. The remaining averments of the Petition for Damages are denied for lack of sufficient information to justify a belief as to the truth.

9.

The allegations of Paragraph VII of the Petition for Damages are denied.

10.

The allegations of Paragraph VIII of the Petition for Damages are denied.

11.

The allegations of Paragraph IX of the Petition for Damages are denied.

12.

The allegations of Paragraph X of the Petition for Damages are denied.

13.

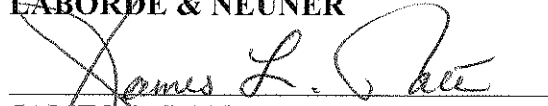
As a complete and separate defense, the defendants plead that the plaintiff's injuries, if any, were caused by his sole fault and neglect, which bars any recovery. In the alternative, the defendants plead that the plaintiff was comparatively at fault which renders his recovery accordingly.

WHEREFORE, the defendants, The City of Morgan City and police officers, Darlene Francis and Jimmy Richard pray that this Answer be deemed good and sufficient and that after all due proceedings are had herein there be judgment in its favor and against the plaintiff, dismissing

the plaintiff's demands with full prejudice and at the plaintiff's sole cost, and for all general and equitable relief, etc.

Respectfully submitted,

LABORDE & NEUNER



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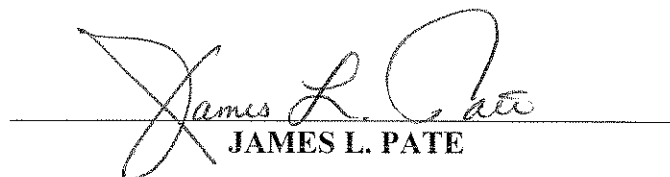
**Counsel for defendants, The City of Morgan
City, Darlene Francis and Jimmy Richard**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has this day been served on all known counsel of record:

Mr. Charles E. Bourg, II
P.O. Box 643
Morgan City, Louisiana 70381

by placing same in the United States mail, postage prepaid, this 29th day of April, 2008.



JAMES L. PATE